

FIRST REGULAR SESSION

# SENATE BILL NO. 308

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR NIEVES.

Read 1st time February 21, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1628S.011

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## AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 506, RSMo, is amended by adding thereto one new  
2 section, to be known as section 506.530, to read as follows:

**506.530. 1. Any court, arbitration, tribunal, or administrative  
2 agency ruling or decision shall violate the public policy of this state  
3 and be void and unenforceable if the court, arbitration, tribunal, or  
4 administrative agency bases its rulings or decisions in the matter at  
5 issue in whole or in part on any foreign law, legal code, or system that  
6 would not grant the parties affected by the ruling or decision the same  
7 fundamental liberties, rights, and privileges granted under the United  
8 States and Missouri constitutions.**

9 **2. A contract or contractual provision, if capable of segregation,  
10 which provides for the choice of a foreign law, legal code, or system to  
11 govern some or all of the disputes between the parties adjudicated by  
12 a court of law or by an arbitration panel arising from the contract  
13 mutually agreed upon shall violate the public policy of this state and  
14 be void and unenforceable if the foreign law, legal code, or system  
15 chosen includes or incorporates any substantive or procedural law, as  
16 applied to the dispute at issue, that would not grant the parties the  
17 same fundamental liberties, rights, and privileges granted under the  
18 United States and Missouri constitutions.**

19 **3. (1) A contract or contractual provision, if capable of  
20 segregation, which provides for jurisdiction for purposes of granting  
21 the courts or arbitration panels in personam jurisdiction over the**

22 parties to adjudicate any disputes between parties arising from the  
23 contract mutually agreed upon shall violate the public policy of this  
24 state and be void and unenforceable if the jurisdiction chosen includes  
25 any foreign law, legal code, or system, as applied to the dispute at  
26 issue, that would not grant the parties the same fundamental liberties,  
27 rights, and privileges granted under the United States and Missouri  
28 constitutions.

29 (2) If a resident of this state, subject to personal jurisdiction in  
30 this state, seeks to maintain litigation, arbitration, agency, or similarly  
31 binding proceedings in this state and if the courts of this state find that  
32 granting a claim of forum non conveniens or a related claim violates or  
33 would likely violate the fundamental liberties, rights, and privileges  
34 granted under the United States and Missouri constitutions of the  
35 nonclaimant in the foreign forum with respect to the matter in dispute,  
36 then it is the public policy of this state that the claim shall be denied.

37 4. As used in this section, "foreign law, legal code, or system"  
38 means any law, legal code, or system of a jurisdiction outside of any  
39 state or territory of the United States, including but not limited to,  
40 international organizations and tribunals, and applied by that  
41 jurisdiction's courts, administrative bodies, or other formal or informal  
42 tribunals.

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